

EXHIBIT 4

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Served via Email

**Brigham Young University's Objections to Subpoena To Produce Documents, Information,
or Objects or to Permit Inspection of Premises in a Civil Action**

Brett and Nathan:

My name is Stephen Craig, and I am legal counsel for Brigham Young University ("BYU"). BYU was served with a subpoena (the "Subpoena") by Blendjet in the litigation that is currently pending in the United States District Court for the District of Utah, Central Division, titled *Blendtec Inc., v. Blendjet, Inc.*, Civil Case No. 2:21-cv-00668-TC-DBP (the "Litigation"). A copy of the Subpoena is attached herewith. The Subpoena has a response date of today, December 9, 2022. Subsequently to being served with the Subpoena but prior to the response date, BYU was also served with Blendtec's Objections to Blendjet's Subpoena to Brigham Young University (the "Objections"), a copy of which is also here attached.

BYU believes that it is in possession of documents that are responsive to the Subpoena. However, based on the Objections of Blendtec and in order not to violate a right belonging to Blendtec, BYU here objects to producing documents. In its Objections, Blendtec asserts that it has

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“a personal right and proprietary interest” in the information and documents requested by the Subpoena. Furthermore, Blendtec asserts that “Blendtec and BYU entered into a contract pursuant to which all work product by BYU is the exclusive property of Blendtec.” Blendtec additionally asserts that “the agreement requires BYU to keep confidential the status and content accessed and generated as a result of the project [between BYU and Blendtec].” Finally, Blendtec also asserts objections “on the ground that the subpoenaed documents are within Blendtec’s custody, possession, control and party discovery is ongoing. Blendjet should seek the requested documents from Blendtec prior to burdening a non-party for information that is within a party’s custody.”

Blendtec states in the Objections that it intends to file a motion for protective order related to the documents responsive to the Subpoena and also intends to file a motion to quash the Subpoena.

Based on the foregoing, BYU here objects to the Subpoena and objects to producing documents that may be responsive to the Subpoena. BYU incorporates by reference and reasserts Blendtec’s Objections. BYU further objects to the Subpoena generally to the extent it may seek documents that are subject to any BYU privilege, to the extent it is overly broad and unduly burdensome, and to the extent it seeks documents or other information that are outside of BYU’s custody and control.

Notwithstanding the foregoing, in the event that Blendtec’s Objections are resolved by the parties or by the court, BYU will reevaluate its objections and produce documents subject to the Subpoena.

Please feel free to call me if either party would like to discuss BYU’s position.

BYU more specifically objects to the Subpoena’s enumerated requests below.

Request for Production No. 1: All documents that relate to, refer to, or discuss Blendtec, including, but not limited to, its brand, customers, marketing and/or advertising strategies, competitors, the Blendtec Marks, and/or the Blendtec Products.

Response/Objections to Request No. 1: BYU incorporates and reasserts the Objections of Blendtec to this request. Based on Blendtec’s Objections, BYU objects to this request because:

- It seeks documents and information in which Blendtec has a personal and proprietary interest
- It seeks documents and information that Blendtec has asserted are Blendtec’s exclusive property
- It seeks documents and information over which Blendtec has asserted a contractual right to BYU’s confidentiality
- It seeks documents and information that Blendtec has asserted are in Blendtec’s custody and control and which should therefore be sought from Blendtec as a party to the Litigation.

BYU further objects to this request based on the following BYU objections:

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- BYU objects to this request to the extent it may seek documents that are subject to the attorney-client privilege or any other cognizable privilege
- BYU objects to the extent the Subpoena may be overly broad or unduly burdensome to BYU
- BYU objects to the extent the Subpoena may seek documents or other information that is outside of BYU's custody and control.

Request No. 2: All documents that comprise, relate to, refer to, or discuss any agreements – express or implied – between Blendtec and Brigham Young University, -- including, but not limited to, any relationship between Blendtec and the BYU Marketing Lab - and/or any terms or conditions thereof.

Response/Objections to Request No. 2: BYU incorporates and reasserts the Objections of Blendtec to this request. Based on Blendtec's Objections, BYU objects to this request because:

- It seeks documents and information in which Blendtec has a personal and proprietary interest
- It seeks documents and information that Blendtec has asserted are Blendtec's exclusive property
- It seeks documents and information over which Blendtec has asserted a contractual right to BYU's confidentiality
- It seeks documents and information that Blendtec has asserted are in Blendtec's custody and control and which should therefore be sought from Blendtec as a party to the Litigation.

BYU further objects to this request based on the following BYU objections:

- BYU objects to this request to the extent it may seek documents that are subject to the attorney-client privilege or any other cognizable privilege
- BYU objects to the extent the Subpoena may be overly broad or unduly burdensome to BYU
- BYU objects to the extent the Subpoena may seek documents or other information that is outside of BYU's custody and control.

Request No. 3: All documents describing or relating to any marketing, branding, and/or advertising services that you have provided – or are in the process of providing – to Blendtec, including but limited to, through the BYU Marketing Lab.

Response/Objections to Request No. 3: BYU incorporates and reasserts the Objections of Blendtec to this request. Based on Blendtec's Objections, BYU objects to this request because:

- It seeks documents and information in which Blendtec has a personal and proprietary interest
- It seeks documents and information that Blendtec has asserted are Blendtec's exclusive property
- It seeks documents and information over which Blendtec has asserted a contractual right to BYU's confidentiality

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- It seeks documents and information that Blendtec has asserted are in Blendtec's custody and control and which should therefore be sought from Blendtec as a party to the Litigation.

BYU further objects to this request based on the following BYU objections:

- BYU objects to this request to the extent it may seek documents that are subject to the attorney-client privilege or any other cognizable privilege
- BYU objects to the extent the Subpoena may be overly broad or unduly burdensome to BYU
- BYU objects to the extent the Subpoena may seek documents or other information that is outside of BYU's custody and control.

Request No. 4: All documents that comprise or relate to surveys, focus groups, or market studies, or any other type of assessment relating to Blendtec, its brand, the Blendtec Marks, and/or the Blendtec Products, whether conducted by the BYU Marketing Lab or any other party.

Response/Objections to Request No. 4: BYU incorporates and reasserts the Objections of Blendtec to this request. Based on Blendtec's Objections, BYU objects to this request because:

- It seeks documents and information in which Blendtec has a personal and proprietary interest
- It seeks documents and information that Blendtec has asserted are Blendtec's exclusive property
- It seeks documents and information over which Blendtec has asserted a contractual right to BYU's confidentiality
- It seeks documents and information that Blendtec has asserted are in Blendtec's custody and control and which should therefore be sought from Blendtec as a party to the Litigation.

BYU further objects to this request based on the following BYU objections:

- BYU objects to this request to the extent it may seek documents that are subject to the attorney-client privilege or any other cognizable privilege
- BYU objects to the extent the Subpoena may be overly broad or unduly burdensome to BYU
- BYU objects to the extent the Subpoena may seek documents or other information that is outside of BYU's custody and control.

Request No. 5: All documents relating or referring to the marketing and competitive positioning of the Blendtec GO blender accessory, including but not limited to, any documentation evidencing or otherwise demonstrating that the Blendtec GO was developed to compete or actually competes with portable blender products.

Response/Objections to Request No. 5: BYU incorporates and reasserts the Objections of Blendtec to this request. Based on Blendtec's Objections, BYU objects to this request because:

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- It seeks documents and information in which Blendtec has a personal and proprietary interest
- It seeks documents and information that Blendtec has asserted are Blendtec's exclusive property
- It seeks documents and information over which Blendtec has asserted a contractual right to BYU's confidentiality
- It seeks documents and information that Blendtec has asserted are in Blendtec's custody and control and which should therefore be sought from Blendtec as a party to the Litigation.

BYU further objects to this request based on the following BYU objections:

- BYU objects to this request to the extent it may seek documents that are subject to the attorney-client privilege or any other cognizable privilege
- BYU objects to the extent the Subpoena may be overly broad or unduly burdensome to BYU
- BYU objects to the extent the Subpoena may seek documents or other information that is outside of BYU's custody and control.

Request No. 6: All documents relating or referring to any criticisms or complaints about the Blendtec Products.

Response/Objections to Request No. 6: BYU incorporates and reasserts the Objections of Blendtec to this request. Based on Blendtec's Objections, BYU objects to this request because:

- It seeks documents and information in which Blendtec has a personal and proprietary interest
- It seeks documents and information that Blendtec has asserted are Blendtec's exclusive property
- It seeks documents and information over which Blendtec has asserted a contractual right to BYU's confidentiality
- It seeks documents and information that Blendtec has asserted are in Blendtec's custody and control and which should therefore be sought from Blendtec as a party to the Litigation.

BYU further objects to this request based on the following BYU objections:

- BYU objects to this request to the extent it may seek documents that are subject to the attorney-client privilege or any other cognizable privilege
- BYU objects to the extent the Subpoena may be overly broad or unduly burdensome to BYU
- BYU objects to the extent the Subpoena may seek documents or other information that is outside of BYU's custody and control.

Request No. 7: All documents relating or referring to portable blenders, including any analyses, studies, customer surveys, and/or internal memoranda related to the market, competitive landscape, or features or functionalities related to portable blenders.

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Response to Request No. 7: BYU incorporates and reasserts the Objections of Blendtec to this request. Based on Blendtec's Objections, BYU objects to this request because:

- It seeks documents and information in which Blendtec has a personal and proprietary interest
- It seeks documents and information that Blendtec has asserted are Blendtec's exclusive property
- It seeks documents and information over which Blendtec has asserted a contractual right to BYU's confidentiality
- It seeks documents and information that Blendtec has asserted are in Blendtec's custody and control and which should therefore be sought from Blendtec as a party to the Litigation.

BYU further objects to this request based on the following BYU objections:

- BYU objects to this request to the extent it may seek documents that are subject to the attorney-client privilege or any other cognizable privilege
- BYU objects to the extent the Subpoena may be overly broad or unduly burdensome to BYU
- BYU objects to the extent the Subpoena may seek documents or other information that is outside of BYU's custody and control.

Request No. 8: All documents that relate to, refer to, or discuss BlendJet, including, but not limited to, its brand, customers, marketing and/or advertising strategies, competitors, the BlendJet Marks, and/or the BlendJet Products.

Response to Request No. 8: BYU incorporates and reasserts the Objections of Blendtec to this request. Based on Blendtec's Objections, BYU objects to this request because:

- It seeks documents and information in which Blendtec has a personal and proprietary interest
- It seeks documents and information that Blendtec has asserted are Blendtec's exclusive property
- It seeks documents and information over which Blendtec has asserted a contractual right to BYU's confidentiality
- It seeks documents and information that Blendtec has asserted are in Blendtec's custody and control and which should therefore be sought from Blendtec as a party to the Litigation.

BYU further objects to this request based on the following BYU objections:

- BYU objects to this request to the extent it may seek documents that are subject to the attorney-client privilege or any other cognizable privilege
- BYU objects to the extent the Subpoena may be overly broad or unduly burdensome to BYU
- BYU objects to the extent the Subpoena may seek documents or other information that is outside of BYU's custody and control.

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Request No. 9: All documents from which it can be ascertained the total amount of money that Blendtec has paid to you, on an annual basis, in connection with any services provided to Blendtec by the BYU Marketing Lab.

Response/Objections to Request No. 9: BYU incorporates and reasserts the Objections of Blendtec to this request. Based on Blendtec's Objections, BYU objects to this request because:

- It seeks documents and information in which Blendtec has a personal and proprietary interest
- It seeks documents and information that Blendtec has asserted are Blendtec's exclusive property
- It seeks documents and information over which Blendtec has asserted a contractual right to BYU's confidentiality
- It seeks documents and information that Blendtec has asserted are in Blendtec's custody and control and which should therefore be sought from Blendtec as a party to the Litigation.

BYU further objects to this request based on the following BYU objections:

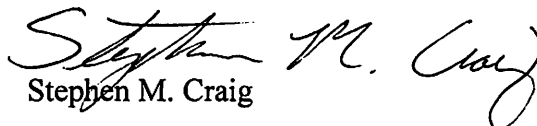
- BYU objects to this request to the extent it may seek documents that are subject to the attorney-client privilege or any other cognizable privilege
- BYU objects to the extent the Subpoena may be overly broad or unduly burdensome to BYU
- BYU objects to the extent the Subpoena may seek documents or other information that is outside of BYU's custody and control.

Request No. 10: All documents related to, or otherwise referencing, the Current Litigation.

Response/Objections to Request No. 10: To the best of its knowledge, other than the Subpoena, the Objections, and correspondence transmitting and related thereto, BYU has no documents responsive to this request.

Again, please contact me through email or at (801) 422-3013 if you wish to discuss.

Regards,


Stephen M. Craig